

THE HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	No. CR18-092-RAJ
)	
Plaintiff,)	
)	STIPULATED MOTION TO CONTINUE
v.)	TRIAL AND PRETRIAL MOTIONS
)	DATES
BERNARD ROSS HANSEN, and)	
DIANE RENEE ERDMANN,)	Noted on Motions Calendar:
)	May 15, 2018
Defendants.)	

The defendants, Bernard Ross Hansen and Diane Renee Erdmann, represented by their respective attorneys, and the government, represented by Assistant United States Attorney Brian Werner, respectfully move the Court, pursuant to 18 U.S.C. § 3161(h)(7), for an order continuing the trial date from June 25, 2018, to February 25, 2019, and excluding the period from the date of this order to February 25, 2018, for the purpose of computing the time limitations imposed by the Speedy Trial Act, 18 U.S.C. §§ 3161–3174.

The parties further request that the Court extend the deadline for filing all pretrial motions from May 7, 2018, to January 11, 2019, and schedule a Status Hearing on September 21, 2018, at 10:00 a.m.

In support of this motion, the parties state the following:

1. On April 16, 2018, Mr. Hansen and Ms. Erdmann self-surrendered in light of an Indictment charging them with 10 counts of mail fraud (Counts 1 through 10), in violation of 18 U.S.C. §§ 1341 and 2, and 10 counts of wire fraud (Counts 11 through 20), in violation of

1 18 U.S.C. §§ 1343 and 2. On that same date, Mr. Hansen and Ms. Erdmann made their initial
2 appearances in federal court for an arraignment and detention hearing. Each of them pled not
3 guilty to all charges and a trial date was scheduled for June 25, 2018, with a pretrial motions
4 deadline of May 7, 2018. Mr. Hansen and Ms. Erdmann were ordered released on Appearance
5 Bonds, *see e.g.* Dkts. 13, 17, and to date, remain in compliance with the terms.

6 2. This request for a continuance of the pretrial motions and trial dates follows and
7 is necessary and in the interests of justice for two overarching reasons.

8 3. First, the case is unusual and complex. The charges in this matter stem from the
9 collaboration of multiple state and federal authorities, and allege a complex Ponzi scheme dating
10 back to (approximately) 2008 through 2016. Dkt. 1, pp. 4–20. The number of law enforcement
11 entities involved in the investigation, the duration of the investigation, and the allegations
12 themselves as well as the impact of ancillary bankruptcy proceedings, which have been pending
13 since 2016, make this case unique and complex. The additional time requested reflects that
14 complexity. 18 U.S.C. § 3161(h)(7)(B)(ii).

15 4. Second, the discovery in this case is voluminous. On April 25, 2018, the parties
16 met for a preliminary discovery conference. Then, on April 27, 2018, the Government produced
17 two DVDs containing initial discovery to defense counsel. The index included with the two discs
18 reflects that this initial production includes but is not limited to audio recordings, undercover
19 wire recordings, hundreds of pages of protected discovery, and hundreds of pages of bankruptcy
20 documents. However, the discs produced do not mirror the index and a number of items noted
21 on the index remain missing. Moreover, the Government believes it will take another 4–6 weeks
22 to produce a complete set of its discovery. Thus, although the parties agree that any discovery
23 issues can be resolved without the Court’s intervention, the discovery process cannot be achieved
24 by the original pretrial motions deadline or, possibly, by the initial trial date.

25 5. Related thereto, the defense requires adequate time to assess and investigate the
26 information disclosed as well as all factual and legal issues presented. Neither the discovery

1 process nor the review and understanding of the discovery by the defense, despite the exercise
2 of due diligence, can be completed by the current deadlines. The additional time requested is
3 counsels' best estimate of the time necessary to complete that process. Under these unique
4 circumstances, the additional time requested, as well as the request for a Status Hearing in the
5 fall of 2018, should avoid a miscarriage of justice. 18 U.S.C. §§ 3161(h)(7)(B)(i) & (B)(ii).

6 6. Also related to the volume of discovery is the need for adequate time for counsel
7 to fully and adequately review the discovery with their respective clients, as well as any and all
8 factual and legal issues presented, and sentencing consequences so they can each make an
9 informed and intelligent decision of how to proceed. The parties agree that it is unreasonable to
10 expect adequate preparation or representation for pretrial proceedings or for the trial itself within
11 the time limits established. 18 U.S.C. §§ 3161(h)(7)(B)(i) & (B)(ii) & (B)(iv).

12 7. Finally, the additional time requested takes into consideration the parties'
13 respective schedules and obligations. In sum, the additional time requested is necessary for the
14 effective preparation by both parties, taking into consideration the complexity of the case, the
15 exercise of due diligence, and the interests of justice.

16 8. Mr. Hansen and Ms. Erdmann specifically join in this request and have signed
17 waivers of their rights to a speedy trial in order to facilitate their attorneys' preparation of their
18 case. Mr. Hansen and Ms. Erdmann acknowledge that by signing the speedy trial waivers they
19 are waiving their rights under the Sixth Amendment and the Speedy Trial Act, 18 U.S.C.
20 §§ 3161–3174, and agreeing that the period from the date of this order to March 25, 2019, shall
21 be an excludable period of time pursuant to 18 U.S.C. § 3161(h)(7)(A). Their executed waivers
22 are being electronically filed along with this motion.

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1 9. For all these reasons, the parties agree that the interests of justice are served
2 through these continuances and findings to that effect are set forth in the attached proposed order.

3 DATED this 15th day of May, 2018.

4 Respectfully submitted,

5 *s/ Jennifer E. Wellman*

6 *s/ Dennis Carroll*

7 Attorneys for Bernard Ross Hansen

8 *s/ Michael G. Martin*

9 Attorney for Diane Renee Erdmann

10 *s/ Brian Werner*

11 Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on May 15, 2018, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of filing to Assistant U.S. Attorney Brian Werner and attorney Michael Martin.

s/ Suzie Strait
Paralegal